LAW OFFICES OF
CROMER, EAGLESFIELD & MAHER P. A.
535 STATION PLACE
200 S. MERIDIAN
INDIANAPOLIS, INDIANA 46225
TELEPHONE
(317) 633-2340
TELECOPIER
(317) 634-8008

August 15, 1988

Mr. Steve Auchterlonie
U.S. Environmental Protection Agency
Region VII, Superfund Branch
726 Minnesota Avenue
Kansas City, Kansas 66101

RE: Wheeling Disposal Site
Amazonia, Missouri

Dear Mr. Auchterlonie:

The purpose of this letter is to provide a response to the Request for Information contained within the June 16, 1988 letter from David A. Wagoner to Mr. Lawson Breedlove, The American Electric Division of FL Industries, Inc., (hereinafter "American Electric"), formerly the Electrical Products Division of Midland-Ross Corportion. By responding, American Electric does not waive, but instead hereby specifically reserves, its rights to object to the admission or use of the information and documents provided, in any proceeding or for any purpose, on any grounds available, including but not limited to materiality, relevance, authenticity, hearsay, reliability, lack of foundation or any other grounds. Further, by responding, American Electric does not admit any liability with regard to the Wheeling Disposal Site.

Although the Request for Information was unnecessarily and unreasonably overbroad in certain respects, American Electric has attempted to respond fully except for two limitations which are appropriate and necessary. First, with regard to request for information regarding shipments to and arrangements with Conservation Chemical Company ("CCC"), counsel undersigned has been informed that all suspected shipments from CCC to the Wheeling Disposal Site were from the CCC Kansas City facility. Accordingly, counsel undersigned suggested to Audrey Bimby during a telephone conversation that it would be appropriate to limit American Electric's response to shipments to and arrangements with the CCC Kansas City facility and was informed that such a limitation would be acceptable.

Second, and as counsel undersigned also informed Audrey Bimby during the same telephone conversation, the response must necessarily be limited by the exclusion of certain documents and/or information which, although in possession of American Elecric's counsel and possibly within the scope of the Request, were obtained in discovery in the case of United States v. Conservation Chemical Company, et. al., presently pending as Civil Action No. 82-0983-CV-W-5 in the United States District Court for the Western District of Missouri, Western Division (the "CCC litigation"). Such documents and information are subject to the protective order recommended by the Special Master in his First Set of Recommendations dated August 14, 1984 and approved by the Court on September 5, 1984, providing that "no documents or information obtained through discovery shall be used for purposes other than the instant litigation." Thus, such documents and information must be excluded. (The exclusion of such documents and information covered by the protective order should not present any problem to the EPA, because the EPA already has, or can obtain, such documents by proper requests in this matter directed to the parties who provided, rather than obtained, such information and documents in the CCC litigation.)

Finally, it should be pointed out that American Electric did not arrange for treatment or disposal of its materials at, or for transportation to, the Wheeling Disposal Site. Accordingly, American Electric requests that it be removed from the PRP list for the Wheeling Disposal Site. To the extent that the CCC Kansas City facility sent materials of which it had acquired possession and ownership from other entitites and to the extent that American Electric may be one of those other entities, CCC is the proper PRP, not the entities from whom it obtained the materials. The Conservation Chemical Company was not merely a transporter or broker of materials, but was instead a treatment and disposal facility which acquired ownership of, and responsibility for, materials upon their arrival at the CCC Kansas City Site.

Therefore, subject to the foregoing and the reservation of all of its rights, American Electric responds to the Request for Information as follows:

1. If not you, the official or representative of American Electric to contact regarding this request, including name, title, address and telephone number.

Answer: The representative of American Electric to be contacted regarding this request is Kenneth W. Maher, Attorney for American Electric, Cromer Eaglesfield & Maher, 535 Station Place, 200 S. Meridian Street, Indianapolis, Indiana 46225, (317) 633-2340.

2. With respect to all American Electric wastes that were sent to Conservation Chemical Company:

(a). The respective amounts, chemical compositions, and physical characteristics of each of these wastes;

(b). Time period during which each of these wastes was disposed, specific dates, if known;

(c). Quantity (weight and volume) of each of these wastes disposed;

(d). Nature and condition of any containers in which these wastes were placed prior to disposal;

(e). List of transporters for each of these wastes, including company name, address, and telephone number; and

(f). Results of any sample analyses performed on these wastes prior to disposal.

Answer: Although Midland-Ross neither transported nor followed the transporter of any materials to the CCC Kansas facility and therefore has no first hand knowledge with respect to the requested information, in a good faith effort to be responsive to the request, American Electric can report that documents and information available to American Electric indicate that the transactions listed in Exhibits A and B may be relevant to the information requested in Request No. 2 in that documents available indicate possible shipments to the CCC Kansas City facility. Because American Electric has been informed that shipments of this type of waste from the CCC Kansas City facility to the Wheeling Disposal Site occurred only during the period from January, 1976 through August, 1978, the transactions which occurred during that period of time are shown on Exhibit A. (American Electric notes that it has no record of any documents indicating any shipments from Midland-Ross to the CCC Kansas City facility during the 1976 calendar year.) Shipments prior, or subsequent, to the that time period would appear to be irrelevant and are therefore separately listed on Exhibit B.

For each transaction listed in Exhibits A and B, the relevant information (i.e., dates shipped, quantity, descriptions and identification of materials) has been ascertained from a review of the documents and therefore is not represented by American Electric to be completely accurate. In fact, much of the information is believed to be incorrect or misleading.

The most misleading aspect of the documentation is the identification of the number of drums sent. Contrary to assumptions which might ordinarily be made, the drums were not full and therefore the number of drums does not provide an accurate indication of the quantity of materials contained in the transaction. Prior to shipping, liquids were drawn off the top of the drums, leaving settled sludge. As a result, the 55 gallon drums contained less than 55 gallons when shipped. For

many of the earlier shipments, both numbers of drums and weight is shown on the shipping documents. American Electric notes that the remaining sludge is heavier than water and that it generally weighs approximately 12 lbs. per gallon. Applying the 12 lb. per gallon conversion ratio to the weight shown on the documents illustrates that in almost every case, the drums were not full.

An analysis of the twenty-one shipments in which both numbers of drums and weight are shown on the shipping documents reveals that nineteen of those shipments involve drums which were not full. In fact, those shipments in which the gallons were converted from weight by using 12 lbs. per gallon as a conversion ratio contained a total of 60,545 gallons (based on that ratio) in 1,934 drums according to the shipping documents. Therefore, the average drum in those shipments contained 31.3 gallons. This is consistent with the fact that, prior to shipping, liquids were drawn off the top of the drums leaving settled sludge and resulting in the shipment of considerably less than 55 gallons per drum. Based on an average of 31.3 gallons per 55 gallon drum, the drums represented by those shipments were, on the average, 57% full.

Therefore, American Electric believes that for those shipments for which weight information is not available and for which conversion was made based upon the number of drums, the total converted volume figure must be adjusted to reflect the average drum content. For purposes of that adjustment, American Electric has rounded up the 57% figure calculated above to 60%.

American Electric has reviewed the documents provided by Conservation Chemical Company and Wheeling Disposal Service in response to the Agency's information request and notes that those documents indicate that any cyanide materials transshipped to Wheeling Disposal Service by Conservation Chemical Company were drummed cyanide solids or sludges. Therefore, American Electric submits that, even if Conservation Chemical Company may have transshipped some of its materials to the Wheeling Disposal Service Site, those transshipments would not have included the three bulk shipments of liquid plating materials shown on Exhibit A under dates of 10/21/77, 10/31/77 and 8/25/78. American Electric further notes that the 8/25/78 shipment from its plant by Conservation Chemical Company did not occur until after the final transshipment of any cyanide materials from the Conservation Chemical Company Kansas City facility to the Wheeling Disposal Service Site. Accordingly, the volumes for those shipments have not been included in the corrected volume column.

Although the precise chemical composition of each shipment is unknown, it is believed that the following chemical constituents were present in approximately the percentage stated: Chromium - 0.0302%; Iron - 2.841%; Zinc - 1.596%; and Cyanide - 0.420%. The remaining 95.1128% of the contents were comprised of calcium carbonate and water, neither of which is

thought to constitute a "waste" within the meaning of this request. Therefore, at the bottom of each of the Exhibits A and B, a calculation is made to reflect the waste content of the shipments shown. (Documents also indicate that 300 empty drums may have been transported to the CCC Kansas City Site on December 20, 1977 and that 40 crushed drums may have been transported to the CCC Kansas City Site on July 6, 1978. However, these empty, crushed drums are not considered to be wastes.)

With respect to the subparts of this Request, American Electric further notes as follows:

(a). The respective amounts, chemical compositions, and physical characteristics of each of the materials shipped are unknown except as described above or reflected on the documents produced herewith.

(b). The time period during which each of the materials were disposed of is unknown. However, Midland-Ross understood that the materials would be treated so as to render them non-hazardous and then landfilled upon receipt at the CCC Kansas City facility. Accordingly, American Electric believes that the materials were disposed of shortly after the shipment dates indicated on the Exhibits.

(c). American Electric has only the information reported above and in the attachments with regard to the quantity (weight and volume) of the materials shipped; American Electric has no information concerning whether the quantity (weight and volume) of the wastes disposed, if any, differed.

(d). Except for the bulk shipments reported in gallons only, American Electric believes that the materials were placed in standard 55 gallon drum containers which, as explained above, were not full prior to shipment. American Electric has no knowledge as to whether the materials were replaced in different containers prior to disposal.

(e). The materials were transported by Conservation Chemical Company. The current address and telephone number for Conservation Chemical Company is not known to American Electric, but is to the EPA.

(f). The results of any sample analyses performed on the waste immediately prior to disposal are unknown. Although results of sample analyses performed on similar materials prior to shipment are indicated on Exhibit C, attached hereto, such analyses were performed prior to the treatment Midland-Ross understood that CCC would be performing prior to disposal.

3. Names, addresss, and telephone numbers of employees or agents of American Electric who were involved in making arrangements with Conservation Chemical Company concerning the hauling and disposal of American Electric's hazardous waste.

Such individuals might include contracting officers, foremen, bookkeepers, accountants, facility workers, etc.

Answer: Ellis Perry - Niota, TN 37826 - Phone 615-528-2625
Frank McGuinn - c/o American Electric - Athens, TN
Bob Zimmer - c/o American Electric - Athens, TN
Dick Weiss - Address unknown
Marland Quarles - c/o American Electric - Athens, TN

4. Copies of any contracts, invoices, receipts, or other documents related to the arranging or disposal of wastes with Conservation Chemical Company and Wheeling Disposal Service Company.

Answer: American Electric did not arrange for disposal of wastes with Wheeling Disposal Service and, therefore, has no such documents related to the arranging of disposal of wastes with Wheeling Disposal Service Company. Documents possibly related to shipments of materials to the CCC Kansas City facility are provided as Exhibit D hereto.

5. List all federal, state, and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of waste.

Answer: Midland-Ross was neither a transporter nor a disposer of waste, and therefore had no such permits.

6. Corporate history of Midland-Ross from 1975 up to and including its present status as American Electric, with appropriate documentation of acquisition of Midland-Ross by American Electric.

Answer: Midland-Ross Corporation was purchased and taken private in August, 1986. In July, 1987, its name was changed from Midland-Ross Corporation to FL Aerospace Corporation. The Electrical Products Division of Midland-Ross Corporation was acquired, in June of 1987, by FL Industries, Inc., and made a part of its American Electric Division. Thus, there is no documentation of acquisition of Midland-Ross Corporation by American Electric, because Midland-Ross Corporation was not acquired by American Electric.

7. A copy of each liability insurance policy which has applied to the operations of Midland-Ross/American Electric during the period August 6, 1975 to the present.

Answer: Copies of such liability insurance policies are attached hereto as Exhibit E.

8. Most current balance sheet and income statement of American Electric Corporation.

Answer: The most current balance sheet and income statement of American Electric is attached hereto as Exhibit F.

9. Names, address, and telephone numbers of your company's financial recordkeepers, from 1975 to the present.

Answer: 1975 to 1987
Louis A. Zahradnik
Star Manufacturing Company
8600 S. Interstate 35
Box 94910
Oklahoma City, Oklahoma 73143

1987 to Present
Donald Ciakk
Vice President and Chief Financial Officer
1555 Lynnfield Road
Suite 250
Memphis, TN 38119
Phone: 901-682-7768

10. Should you be unable to obtain or provide the above information, please indicate the names and addresses of those individuals and/or corporations who would possess such information.

Answer: Other than as reported above, American Electric believes no one other than Conservation Chemical Company, Wheeling Disposal Services Company, Norman Hjersted or Clayton Buntrock would be likely to possess information other than that reported above.

Respectfully submitted,

Kenneth W. Maher

Kenneth W. Maher
Attorney for American Electric

KWM/dn

Enclosures

cc: David Wagoner (w/Ex A, B and C only)
Audrey Bimby (w/Ex A, B and C only)

EXHIBIT A
TRANSACTIONS RELEVANT TO REQUEST NO. 2
(1/1/76 through 8/31/78)

DATE SHIPPED	QUANTITY SHOWN ON DOCUMENTS (WT. AND VOL.)			CORRECTED VOLUME	IDENTIFIED AS
	DRUMS	WEIGHT (lbs.)	GALLONS	CONVERSION TO GALLONS	
02/01/77	78-55 gal drums	42,510	na	42,510/12 = 3,543	Spent Zinc Cyanide
02/08/77	79-55 gal drums	42,810	na	42,810/12 = 3,568	Spent Zinc Cyanide
02/23/77	70-55 gal drums	na	na	70x55x.60 = 2,310	Spent Zinc Cyanide
03/02/77	36-55 gal drums	na	na	36x55x.60 = 1,188	Spent Zinc Cyanide
04/14/77	71-55 gal drums	na	na	71x55x.60 = 2,343	Spent Zinc Cyanide
04/24/77	71-55 gal drums	na	na	71x55x.60 = 2,343	Spent Zinc Cyanide
05/04/77	71-55 gal drums	na	na	71x55x.60 = 2,343	Spent Zinc Cyanide
07/02/77	72-55 gal drums	na	na	72x55x.60 = 2,376	Spent Zinc Cyanide
07/28/77	70-55 gal drums	na	na	70x55x.60 = 2,310	Spent Zinc Cyanide
10/11/77	72-55 gal drums	na	na	72x55x.60 - 2,376	Spent Zinc Cyanide
10/21/77	na	na	4,200		Sodium/Zinc Cyanide Plating Solution
10/31/77	na	na	4,200		Spent Sodium/Zinc Cyanide Plating Solution
12/20/77	38-55 gal drums	na	na	38x55x.60 = 1,254	Spent Zinc Cyanide
01/31/78	74-55 gal drums	na	na	74x55x.60 = 2,442	Zinc Cyanide
02/23/78	75-55 gal drums	na	na	75x55x.60 = 2,475	Zinc Cyanide
05/18/78	72-55 gal drums	na	na	72x55x.60 = 2,376	Zinc Cyanide
06/02/78	74-55 gal drums	na	na	74x55x.60 = 2,442	Zinc Cyanide
07/06/78	80-55 gal drums	na	na	80x55x.60 = 2,640	Zinc Cyanide
07/25/78	73-55 gal drums	na	na	73x55x.60 = 2,409	Zinc Cyanide
08/25/78	na	na	4,200		Spent Cyanide
			12,600 a		
Total Gallons				40,738	
Waste Content				.048872	
Gallons of Waste Content				1,990.95	

na = The applicable quantity description (drums, weight or gallons) is not available from the documents available to American Electric at this time.

a = Believed to be bulk liquids which were not transshipped to Wheeling Disposal.

EXHIBIT B
TRANSACTIONS RESPONSIVE TO REQUEST NO. 2
(But Not During Relevant Period)

DATE SHIPPED	QUANTITY SHOWN ON DOCUMENTS (WT. AND VOL.)			CORRECTED VOLUME	IDENTIFIED AS
	DRUMS	WEIGHT (lbs.)	GALLONS	CONVERSION TO GALLONS	
02/22/74	75-55 gal drums	42,000	na	42,000/12 = 3,500	Waste Cyanide
04/09/74	74-55 gal drums	41,360	na	41,360/12 = 3,447	Waste Cyanide
05/02/74	67-55 gal drums	41,000	na	41,000/12 = 3,417	Waste Cyanide
05/16/74	70-55 gal drums	41,000	na	41,000/12 = 3,417	Waste Cyanide
06/06/74	57-55 gal drums	30,930	na	30,930/12 = 2,578	Cyanide
06/20/74	72-55 gal drums	67,580*	na	72 x 55 = 3,960	Waste Cyanide
07/23/74	72-55 gal drums	41,000	na	41,000/12 = 3,417	Waste Cyanide
08/27/74	80-55 gal drums	39,700	na	39,700/12 = 3,308	Cyanide
10/29/74	75-55 gal drums	45,630	na	45,630/12 = 3,803	Cyanide
02/20/75	49-55 gal drums	45,200	na	49 x 55 = 2,695	Cyanide
03/11/75	200-55 gal drums	34,900	na	34,900/12 = 2,908	Waste Cyanide Solid
04/01/75	na	na	4,000	4,000	Ammonium Solution Chloride
04/14/75	185-55 gal drums	37,600	na	37,600/12 = 3,133	Waste Cyanide Solid
04/22/75	171-55 gal drums	36,700	na	36,700/12 = 3,058	Waste Cyanide Solid
04/29/75	130-55 gal drums	42,440	na	42,440/12 = 3,537	Sludge, Lime, Caustic
05/08/75	193-55 gal drums	35,560	na	35,560/12 = 2,963	Cyanide Waste Solid
07/08/75	83-55 gal drums	40,770	na	40,770/12 = 3,398	Cyanide
08/06/75	93-55 gal drums	29,270	na	29,270/12 = 2,439	Solid Cyanide
12/11/75	80-55 gal drums	41,970	na	41,970/12 = 3,498	Cyanide
12/17/75	72-55 gal drums and 7-30 gal drums	19,350	na	19,350/12 = 1,613	Cyanide
09/13/78	na	na	4,400	4,400	Spent Cyanide
09/19/78	66-55 gal drums	na	na	66x55x.60 = 2,178	Spent Cyanide
11/02/78	65-55 gal drums	na	na	65x55x.60 = 2,145	Spent Cyanide
12/05/78	74-55 gal drums	na	na	74x55x.60 = 2,442	Zinc Cyanide Plating
01/04/79	76-55 gal drums	na	na	76x55x.60 = 2,508	Zinc Cyanide Plating Waste
01/23/79	na	na	4,300	4,300	Cyanide
01/30/79	na	na	4,400	4,400	Spent Cyanide
02/06/79	73-55 gal drums	na	na	73x55x.60 = 2,409	Zinc Cyanide
02/14/79	na	na	4,400	4,400	Sodium/Zinc Cyanide Plating
02/27/79	na	na	4,400	4,400	Zinc Cyanide
02/28/79	na	na	2,000	2,000	Zinc Cyanide

EXHIBIT B
TRANSACTIONS RESPONSIVE TO REQUEST NO. 2
(But Not During Relevant Period)

DATE SHIPPED	QUANTITY SHOWN ON DOCUMENTS (WT. AND VOL.)			CORRECTED VOLUME	IDENTIFIED AS
	DRUMS	WEIGHT (lbs.)	GALLONS	CONVERSION TO GALLONS	
03/07/79	73-55 gal drums	na	na	73x55x.60 = 2,409	Zinc Cyanide Plating Waste
03/23/79	na	na	4,000	4,000	Cyanide
03/28/79	69-55 gal drums	na	na	69x55x.60 = 2,277	Zinc Cyanide Plating Waste
04/05/79	72-55 gal drums	na	na	72x55x.60 = 2,376	Cyanide
Total Gallons (corrected volume)				110,733	
Waste Content				.048872	
Gallons of Waste Content				5,411.74	

na = The applicable quantity description (drums, weight or gallons) is not available from the documents available to American Electric at this time.

* = This weight for 6/20/74 is believed to be gross weight, including the truck.

RAMCON
RESEARCH AND MANAGEMENT CONSULTANTS

RAMCON BUILDING • 223 SCOTT STREET • MEMPHIS, TENNESSEE 38112 • TELEPHONE 901 / 327-5617

ANALYTICAL REPORT

Date Received: ~~Sept.~~ Aug. 26, 1976 Control Number: 74187 RL (1185)

Submitted By: Midland Ross Corp., One Congress Parkway, Athens, TN 37303
ATTN: Mr. Ellis Perry

Description of Sample: Plating Tank Sludge Sample

Results:

	Found	
pH (units)	10	
Total Solids (mg/g sludge)	851	(851,000 ppm)
Volatile Solids (mg/g sludge)	337	(337,000 ppm)
Cyanide (mg/g sludge)	4.2	(4,200 ppm)
Zinc (mg/g sludge)	15.96	(15,960 ppm)
Total Iron (mg/g sludge)	28.41	(28,401 ppm)
Total Chromium (mg/g sludge)	0.302	(302 ppm)

Method: 13th Edition of Standard Methods for the Examination of Water & Wastewater or Methods for Chemical Analysis of Water and Wastes, E.P.A., 1974 ed.

Remarks: Trivalent and Hexavalent Chromium could mot be determined on sample due to intense sample coloration.

Report Date: Sept. 27, 1976 Signed Edward Powell

Edward L. Powell, Laboratory Director
Environmental Engineering Division

EP/tm